

Court of Appeals, State of Michigan

ORDER

Robert Earl Gorton v Secretary of State

Docket No. 277194

LC No. 07-703506-AL

Christopher M. Murray
Presiding Judge

Kurtis T. Wilder

Brian K. Zahra
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the transcript requirement of MCR 7.209 is GRANTED.

In lieu of granting the application, and pursuant to MCR 7.205(D)(2), the Court orders that the March 30, 2007, order of the Wayne Circuit Court reinstating petitioner's driving privilege is REVERSED. A reviewing court should affirm a hearing officer's decision if the requisite evidence supports it, even if the reviewing court might have reached a different result. *Kester v Secretary of State*, 152 Mich App 329, 335; 393 NW2d 623 (1986). Based on the evidence presented, the hearing officer's determination that petitioner is in the early stages of recovery and must continue to develop a strong, structured support system and must show a longer period of quality abstinence from alcohol and drugs satisfied the criteria listed in MCL 257.323(4) and therefore could not be set aside. See also *Rodriguez v Secretary of State*, 215 Mich App 481, 484; 546 NW2d 661 (1996). The circuit court thus should have affirmed the hearing officer's decision.

The motion for stay is DENIED AS MOOT.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 19 2007

Date

Sandra Schultz Mengel
Chief Clerk